

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

BERNICE GILL

PLAINTIFF

v.

3:08CV00014 JTR

MICHAEL J. ASTRUE,
Commissioner, Social
Security Administration

DEFENDANT

ORDER

Pending before the Court is Plaintiff's Motion for an Award of Attorney's Fees and Other Expenses Under the Provisions of the Equal Access to Justice Act ("EAJA"), along with a Memorandum in Support (docket entries #16 and #17). Defendant has filed a Response (docket entry #18). For the reasons set forth herein, the Amended Motion will be granted.

On January 30, 2008, Plaintiff filed this action challenging the decision of an Administrative Law Judge ("ALJ") denying her social security benefits (docket entry #2). On March 27, 2009, the Court entered a Memorandum and Order and a Judgment (docket entries #14 and #15) remanding the case to the ALJ pursuant to sentence four of 42 U.S.C. § 405(g) and *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

On May 28, 2009, Plaintiff's attorney, Mr. Anthony W. Bartels, filed a Motion for an Award of Attorney's Fees and Other Expenses Under the Provisions of the EAJA. In this Motion, Mr. Bartels seeks payment for 18.55 hours of work performed by an attorney, 4.85 hours of work performed by a paralegal, and reimbursement for \$16.14 in expenses. Pursuant to an agreement between The Bartels Law Firm and the Office of General Counsel of the Social Security

Administration (docket entry #17, attachment), Mr. Bartels seeks payment for attorney time as follows: (1) .20 hours of work performed during 2007 at the adjusted hourly rate of \$167.00; and (2) 18.35 hours of work performed during 2008 and 2009 at the adjusted hourly rate of \$175.00. Mr. Bartels seeks payment for 4.85 hours of paralegal time at the rate of \$75 an hour and \$16.14 in expenses. Defendant does not object to the requested amounts for attorney's fees and expenses.

Under these circumstances, the Court concludes that Plaintiff is entitled to an award of fees and expenses under the EAJA, and that the amount requested by Plaintiff's attorney is reasonable. Accordingly, Plaintiff's attorney shall receive a total award of \$3,624.54 which includes: (1) .20 hours of attorney time at the rate of \$167.00 per hour (\$33.40); (2) 18.35 hours of attorney time at the rate of \$175.00 per hour (\$3,211.25); (3) 4.85 hours of paralegal time at the rate of \$75.00 per hour (\$363.75); and (4) \$16.14 in expenses.

IT IS THEREFORE ORDERED that Plaintiff's Motion for an Award of Attorney's Fees Pursuant to the Equal Access to Justice Act (docket entry #16) is hereby GRANTED.

IT IS FURTHER ORDERED that the Commissioner shall certify and pay to Mr. Anthony W. Bartels, attorney for Plaintiff, \$3,624.54, which has been awarded as fees and expenses pursuant to the EAJA.

DATED this 1st day of July, 2009.



UNITED STATES MAGISTRATE JUDGE